



# COMMONWEALTH of VIRGINIA

*Department of Health Professions*

*Board of Medicine*

John W. Hasty  
Director of the Department

Warren W. Koontz, M.D.  
Executive Director of the Board

July 10, 1998

6606 West Broad Street  
4th Floor  
Richmond, Virginia 23230-1717  
(804) 662-9908  
FAX (804) 662-9517

Michael D. Pollock, D.C.  
Bon Air Chiropractic Clinic  
2520-A Professional Road  
Richmond, Virginia 23235

**CERTIFIED MAIL**  
**Z 356 168 056**

RE: License No. 0104-00305

Dear Dr. Pollock:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on Thursday, August 13, 1998, at 1:00 p.m., at the Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. The conference will be conducted pursuant to Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code").

An Informal Conference Committee ("Committee"), composed of three members of the Board, will inquire into allegations that you may have violated certain laws governing the practice of chiropractic in Virginia. Specifically, you may have violated Sections 54.1-2915.A(3), as further defined in Section 54.1-2914.A(9), (10) and (16) of the Code, and Section 18 VAC 85-20-100.A(1) and (2) and 18 VAC 85-20-100.C of the Virginia Board of Medicine General Regulations, in that, during your treatment of Patient A from on or about June 6, 1997, through on or about July 7, 1997, for her complaints of shoulder and neck pain and numbness in her hands:

1. On or about June 18, 1997, Patient A informed you she was diagnosed by a physician as having a rectal fissure. On or about June 20, 1997, you performed a rectal examination on Patient A, which she felt was sexual in nature.

2. By your own admission, on or about June 30, 1997, you engaged in sexual misconduct with Patient A in that, during the examination, you became sexually aroused. You kissed her, fondled her breasts, and allowed her to place her hand on your penis.

In order to protect the privacy of Patient A, she has been referred to by letter only. Please see Attachment I of this notice for the identity of the individual referenced above. The following actions may be taken by this Committee:

1. If a majority of the Committee is of the opinion that a suspension or revocation of your license may be justified, the Committee shall present to the Board in writing its findings, and the Board may proceed with a formal hearing;
2. The Committee may notify you in writing that you are fully exonerated of any charge that might affect your right to practice chiropractic in Virginia;
3. The Committee may reprimand or censure you, or;

4. The Committee may place you on probation for such time as it may designate and direct that during such period you furnish the Committee or its chairman, at such intervals as the Committee may direct, evidence that you are not practicing in violation of the provisions of Chapter 29, Title 54.1 of the Code, which governs the practice of chiropractic in Virginia.

You have the right to information which will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents which will be distributed to the members of the Committee, and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. If you have additional documents for review which are not contained in this package, please bring at least six copies with you to the meeting. I also enclose relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as laws relating to the practice of chiropractic and other healing arts in Virginia.

A request to continue this proceeding must be made in writing and directed to me at the address listed on this letter. Such request must be received by 5:00 p.m. on July 23, 1998. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after July 23, 1998, will not be considered.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by July 23, 1998. Further, it is your responsibility to provide the enclosed materials to your attorney.

Further, to facilitate this hearing, the Committee requests that you provide to Senior Legal Assistant Kelli Moss, Department of Health Professions, 6606 West Broad Street, Richmond, Virginia 23230 five (5) copies of any documents you intend to submit for the Committee's consideration by July 27, 1998. Please advise the Board of your intention to be present.

Should you fail to appear at the informal conference the Board may proceed to a formal administrative hearing in order to impose sanctions. Should you have any questions regarding this notice, please contact Karen W. Perrine, Deputy Executive Director, Discipline, at (804) 662-7693.

Sincerely,



Warren W. Koontz, M.D.  
Executive Director  
Virginia Board of Medicine

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Enclosures:

Virginia Code Sections:

54.1-2914

54.1-2915

54.1-2919

9-6.14:11

Virginia Board of Medicine General Regulations

18 VAC 85-20-100

Informal Conference Package

Map

**Notice of Informal Conference - Dr. Pollock**

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cc: Clarke Russ, M.D., President, Virginia Board of Medicine  
John W. Hasty, Director, Department of Health Professions  
James L. Banning, Director, Administrative Proceedings Division  
Kelli Moss, Legal Assistant  
Donna P. Whitney, Senior Investigator (98-00268)  
Judy Smith, Senior Administrative Assistant